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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,109	07/17/2001	Alfred Eckert	AP8899	4753

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CONTINENTAL TEVES, INC.
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EXAMINER
ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT	PAPER NUMBER
3661	

MAIL DATE	DELIVERY MODE
07/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/341,109

Applicant(s)

ECKERT ET AL.

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 138-274 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 138-179 is/are allowed.
- 6) ☒ Claim(s) 180-274 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper, No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

REMARKS

Applicant's representative states on a telephone conversation on June 19, 2007 that the withdrawn claims 180-274 are species of the pending claims 138-179 and wants to rejoin claims 180-274 as pending in the application.

Applicant's representative is also reminded that when submitting the new set of claims, an identifier status for all the withdrawn claims are required.

Claims 180-274 are rejected under 35 USC § 112 because they were not previously considered as their status identifier were (withdrawn). Due to the extensive number of claims, examiner might miss some of the lack of antecedent basis and indefiniteness.

However, Applicant's representative is required to check all claims for clarity and lack of antecedent basis or any type of objection.

Claim Objections

Claim 231 is objected to because of the following informalities: the letter "u" after the word difference should be deleted. Appropriate correction is required.

Claim 264 is objected to because of the following informalities: a period is required after the word value to mark the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 180-274 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 180, 184 the phrase "and by the fact that the speed of the first vehicle is not fallen short of or fallen short of only after a predetermined time" is unclear.

In claims 183, 187, the phrase "the distance to this vehicle is monitored" is unclear. Since it is unclear which vehicle is being referred. Also it is unclear how the second motor vehicle is increasingly decelerated. Also the phrase "is fallen short of" is unclear.

Claim 180 recites the limitation "the second vehicle" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 180 recites the limitation "the second motor vehicle" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 180 recites the limitation "the vehicle driving ahead" "the first vehicle" in lines 2-3 and 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 181 recites the limitation "the vehicle driving ahead" in line 2, "the first vehicle driving ahead" in lines 2 and 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 181 recites the limitation "the predetermined distances" in line 7, "the steady-state condition" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 184 recites the limitation "the relative speed of the second motor vehicle and first vehicle" in lines 3-4, "the steady-state condition" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 185 recites the limitation "the second motor vehicle" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 193 recites the limitation "the band-limited interference frequency, the non-band-filtered signal" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 195 recites the limitation "the band elimination" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 196 recites the limitation "the frequencies of 8 Hz" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 206 recites the limitation "the nominal speed signal" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 202 recites the limitation "the interference frequency band" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 203 recites the limitation "the output signal" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 208 recites the limitation "the actual speed " in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 210 recites the limitation "the duration of acceleration" "the acceleration value" "the acceleration frequency" "the gradient limitation" "the feed-forward

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characteristic in learning fashion". There is insufficient antecedent basis for this limitation in the claim.

Claim 211 recites the limitation "the actual speed " in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 212 recites the limitation "the gradient limitation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 213 recites the limitation "the actual speed " in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 214 recites the limitation "the amplified signal " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 218 recites the limitation "the actual speed " in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 220 recites the limitation "the duration of acceleration" "the acceleration value" "the acceleration frequency" "the gradient limitation" "the feed-forward characteristic in learning fashion". There is insufficient antecedent basis for this limitation in the claim.

Claim 222 recites the limitation "the gradient limitation" . There is insufficient antecedent basis for this limitation in the claim.

Claim 224 recites the limitation "the output signal" throughout the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 240-241 recite the limitation "the deenergized state" . There is insufficient antecedent basis for this limitation in the claim.

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Claim 265 recites the limitation "the limiting transverse acceleration" . There is insufficient antecedent basis for this limitation in the claim.

Claim 266 recites the limitation "the speed correction signal". There is insufficient antecedent basis for this limitation in the claim.

Claim 267 recites the limitation "the transverse acceleration". There is insufficient antecedent basis for this limitation in the claim.

Claims 182, 186-274 are also rejected directly or indirectly for incorporating the deficiencies of their base claim.

Allowable Subject Matter

Claims 138-179 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 138-274 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

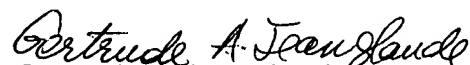
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is

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(571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gertrude A. Jeanglaude
Primary Examiner
AU 3661

gaj